BEST COPY
AVAILABLE

United Nations S/AC.44/2004/(02)/16/Add.1

Security Council

Distr.: General
6 September 2005

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 30 August 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to your letter dated 15 June 2005 and to send you additional information corresponding to the national report of Belarus on the implementation of resolution 1540 (2004) (see annex).

The additional information in the matrix is marked with boldface type. The text of requested laws and regulations is also provided.*

I would be grateful if you would include the information in the report of the Committee.

(*Signed*) Andrei **Dapkiunas**
Permanent Representative

* The text of laws and regulations is on file with the Secretariat and is available for consultation.

05-50981 (E) 171005

Annex to the letter dated 30 August 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Committee

[Original: English/Russian]

Position of the Republic of Belarus on the Proliferation Security Initiative (PSI)

The Republic of Belarus shares the objectives of the Proliferation Security Initiative and views positively the efforts of the PSI participating States aimed at preventing the proliferation of weapons of mass destruction (WMD), materials for their production, and their delivery systems.

In conformity with its national legislation, Belarus is ready to cooperate with the PSI participating States in conducting active measures to counter the proliferation of WMD and their delivery systems.

Belarus emphasizes that no steps aimed at preventing the proliferation of weapons of mass destruction and their delivery systems should undermine the confidence of the world community in the methods and mechanisms developed in the framework of existing non-proliferation regimes and appropriate international structures.

With a view to integrating the Initiative into international law, the Republic of Belarus advocates the need to carry out an in-depth and comprehensive consideration of its implementation mechanisms in the framework of the United Nations Security Council, as the only universal body with the power to adopt enforcement measures for maintaining or restoring international peace and security.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Belarus**

Date of Report: 20 October 2004

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Does not possess nuclear, chemical or biological weapons and their means of delivery	page 2 of the report
2	General statement on commitment to disarmament and non-proliferation	X	State policy in compliance with international treaties on the non-proliferation of nuclear weapons, arms reduction and disarmament and the prohibition and	page 4 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide support to non-State actors	page 2 of the report
4	Biological Weapons Convention (BWC)	X	**Signed 10 April 1972, Ratified on 13 February 1975, Entered into force on 26 March 1975**	page 10 of the report
5	Chemical Weapons Convention (CWC)	X	**Signed 14 January 1993, Ratified on 9 February 1995, Entered into force on 29 April 1997**	page 10 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	**Acceded on 4 February 1993, Entered into force on 22 July 1993**	pages 2 and 10 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	**Signed 24 September 1996, Ratified on 19 April 2000**	page 10 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	**Entered into force on 14 June 1993**	page 10 of the report
9	Hague Code of Conduct (HCOC)	X	**Membership since 2005**	page 10 of the report
10	Geneva Protocol of 1925			
11	International Atomic Energy Agency (IAEA)	X	*Membership since 1957*	*http://www.iaea.org/About/Policy/MemberStates*
12	Nuclear Weapons Free Zone/ Protocol(s)		**Not applicable**	
13	Other Conventions/Treaties	X	1. **Treaty on the Reduction and Limitation of Strategic Offensive Arms - Entered into force on 5 December 1994** 2. Treaty on the Elimination of Medium- and Short-Range Missiles - **Acceded on 9 October 1992** 3. Nuclear Safety Convention - **Acceded on 2 September 1998, Entered into force on 27 January 1999**	page 12 of the report

S/AC.44/2004/(03)/116/A/04.1

14	Other Arrangements	X	Nuclear Suppliers Group (NSG), **Membership since 2000**	page 12 of the report
15	Other	X	Proliferation Security Initiative (PSI): **shares objectives. Belarusian position on PSI is attached.**	page 13 of the report

OP 2 - Biological Weapons (BW)

State: **Belarus**
Date of Report: 20 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufact .re/produce	X		X	Criminal Code, Article 129	page 3 of the report
2	acq .re	X		X	Criminal Code, Article 129	page 3 of the report
3	possess	X		X	**Criminal Code, Article 129**	
4	stockpile/store	X	**Criminal Code, Article 129**	X		
5	develop	X		X	Criminal Code, Article 129	page 3 of the report
6	transport	X		X		
7	transfer	X		X		
8	use	X	**Criminal Code, Article 134**	X	Criminal Code, Article 134	
9	participate as an accomplice in a.m. activities	X	**Criminal Code, Article 16, para 6**	X	Criminal Code, Article 16, para 6	page 4 of the report
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	**Criminal Code, Article 129**		**Criminal Code, Article 129**	
13	involvement of non-State actors in a.m. activities	X		X	Criminal Code, Article 129	page 3 of the report

S/AC.44/2004/(02)/16/Add.1

14	Other	X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, etc: Criminal Code, Articles 129 and 294	pages 3 and 4 of the report

OP 2 - Chemical Weapons (CW)

State: **Belarus**

Date of Report: 20 October 2004

	Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X		X	Criminal Code, Article 129	page 3 of the report
2	acquire	X		X	Criminal Code, Article 129	page 3 of the report
3	possess	X		X	**Criminal Code, Article 129**	
4	stockpile/store	X	**Criminal Code, Article 129**	X		
5	develop	X		X		
6	transport	X		X	Criminal Code, Article 129	page 3 of the report
7	transfer	X		X		
8	use	X	Criminal Code, Article 134	X	Criminal Code, Article 134	
9	participate as an accomplice in a.m. activities	X		X		
10	assist in a.m. activities	X	Criminal Code, Article 16, para 6	X	Criminal Code, Article 16, para 6	page 4 of the report
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	**Criminal Code, Article 129**	X	**Criminal Code, Article 129**	
13	involvement of non-State actors in a.m. activities	X	**Criminal Code, Article 129**	X	Criminal Code, Article 129	page 3 of the report

S/AC.44/2004/(02)/15/Add.1

14	Other	X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, etc: Criminal Code, Articles 129 and 294	pages 3 and 4 of the report

S/AC.44/2004/(02)/16/Add.1

OP 2 - Nuclear Weapons (NW)

State: **Belarus**

Date of Report: 20 October 2004

	Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	Criminal Code, Article 129	X	Criminal Code, Article 129	page 3 of the report
2	acquire	X		X	Criminal Code, Article 129 and 322: 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
3	possess	X		X	**Criminal Code, Article 129**	
4	stockpile/store	X		X	Criminal Code, Article 129 and 322: 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
5	develop	X		X	**Criminal Code, Article 129**	
6	transport	X		X	Criminal Code, Article 129	page 3 of the report
7	transfer	X		X	Criminal Code, Article 129	page 3 of the report
8	use	X	Criminal Code, Article 134 and 322	X	Criminal Code, Article 134 and 322: 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
9	participate as an accomplice in a.m. activities	X	Criminal Code, Article 16, para 6	X	Criminal Code, Article 16, para 6	page 4 of the report
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	Criminal Code, Article 129	X	Criminal Code, Article 129	

S/AC.44/2004/(02)/16/Add.1

13	Involvement of non-State actors in a m activities	X	[illegible]	X	Criminal Code, Article 129, 134 and 322	page 3 of the report
14	Other	X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, to threaten use. Criminal Code, Articles 129, 134, 294, 322, 323, 324	pages 3 and 4 of the report

OP 3 (a) and (b) — Account for/Secure/Physically protect Biological Weapons including Related Materials

1. Belarus does not produce biological weapons or related materials.

2. Sanitary regulations 17-129 RB 2000 "Safety when working with micro-organisms in groups III-IV of pathogenicity and with helminths"

3, 4 and 5. Guideline 11-7-13-2002 "Procedure for accounting for, storing, transferring and transporting micro-organisms in groups I-IV of pathogenicity"

6. Belarus does not produce biological weapons or related materials.

7. Sanitary regulations 17-129 RB 2000 "Safety when working with micro-organisms in groups III-IV of pathogenicity and with helminths"

8, 9 and 10. Guideline 11-7-13-2002 "Procedure for accounting for, storing, transferring and transporting micro-organisms in groups I-IV of pathogenicity"

11. Sanitary regulations 14-65 "Production and quality control of medicinal immunobiological preparations"

12. Decree No. 17 of the President of the Republic of Belarus, of 14 July 2003, "on the licensing of particular aspects of activity" and Decision No. 1378 of the Council of Ministers of the Republic of Belarus, of 20 October 2003

15. The draft law "on the safety of genetic engineering" is being considered by the Belarusian Parliament.

17. The Act of the Republic of Belarus of 23 November 1993 "on the medical and epidemiological welfare of the population"

OP 3 (a) and (b) — Account for/Secure/Physically protect Chemical Weapons including Related Materials

1. Belarus does not produce chemical weapons or related materials.

2, 3 and 4. Decision No. 38 of the Council of Ministers, of 17 May 2005, "Regulation on the licensing of activities in the sphere of industrial safety"

5. Decision No. 8/3818 of the Ministry for Emergency Situations, of 11 February 2003, "Instructions regarding the registration of facilities in the State register of hazardous production facilities"

6. Belarus does not produce chemical weapons or related materials.

7, 8 and 9. Act No. 363-3 of the Republic of Belarus, of 10 January 2000, "on the industrial safety of hazardous production facilities"; Act No. 32-3 of the Republic of Belarus, of 6 June 2001, "on the carriage of hazardous loads; Decision No. 38 of the Minist y for Emergency Situations, of 8 November 2003, "Regulations governing the car. iage of hazardous loads by road transport"; Decision No. 34 of the Ministry for Emergency Situations, of 20 October 2004, "Transport safety regulations governing the carriage of hazardous loads by rail transport" and Regulation No. 3370/301, of 26 December 1987, on the carriage of hazardous loads by air transport

10. Comprehensive, targeted and operative inspections of hazardous production facilities

11. Decision No. 38 of the Council of Ministers, of 17 May 2005, "Regulations for the licensing of activities in the sphere of industrial safety"

15. Decision No. 344 of the Council of Ministers of the Republic of Belarus, of 27 May 1996, "on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction of 13 January 1993"

17. Belarus does not possess old chemical weapons.

18. Decision No. 422 of the Council of Ministers of the Republic of Belarus, of 29 March 2000, "on the enhancement of import (export) controls of chemicals subject to the control regime of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction"

OP 3 (a) and (b) — Account for/Secure/Physically protect Nuclear Weapons including Related Materials

1. Belarus does not produce nuclear weapons or related materials.

2, 3 and 4. Decision No. II-2 of the Department for the Supervision of Industrial and Nuclear Safety (Promatomnadzor), of 28 February 1995, "Structure of the State system of the Republic of Belarus for accounting for and controlling nuclear materials"

5. Joint monthly inspections conducted by IAEA and Promatomnadzor

6. Belarus does not produce nuclear weapons or related materials.

7, 8 and 9. Basic nuclear safety regulations PBYA-06-00-88, 1998; Nuclear safety regulations governing the storage and transport of nuclear hazardous fissile materials PBYA-06-09-90; 1990; Nuclear safety regulations governing the transport of spent nuclear fuel PBYA-06-08-77, 1997.

10. Inspections conducted by Promatomnadzor

12. Decree No. 17 of the President of the Republic of Belarus, of 14 July 2003, "on the licensing of particular aspects of activity" and Decision No. 1357 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "Regulation on the licensing of activities in the sphere of industrial safety"

17. (First sentence in English). It is used in work. Decision No. 1537 of the Council of Ministers of the Republic of Belarus, of 4 October 1999, "on the establishment of a unified State system for accounting for and controlling sources of ionizing radiation"

19. The Vienna Convention on Civil Liability for Nuclear Damage entered into force in the Republic of Belarus on 22 July 1993. The Convention on Nuclear Safety entered into force in the Republic of Belarus on 27 January 1999. The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management entered into force in the Republic of Belarus on 24 February 2003.

20. Act No. 122-3 of the Republic of Belarus, of 5 November 1998, "on the radiological security of the population" and Act No. 32-3 of the Republic of Belarus, of 6 June 2001, "on the carriage of hazardous loads"

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of Biological Weapons including Related Materials

1.

1. The Act of the Republic of Belarus "on the State border of the Republic of Belarus";

2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"

2. Customs posts are equipped with fixed and mobile dosimeters.

3. Regulation "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled items (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus of 11 May 1999

4. Committee for State Security.

5. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"

8. No provision made.

9. No provision made.

14 and 15. Decision No. 4/11 of the State Military and Industrial Committee and State Customs Committee, of 22 February 2005, "on the approval of lists of scheduled goods (work, services)"

23. Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"

1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities";

2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus, of 23 August 1999, "On the regulation and organization by the State of the use of the airspace of the Republic of Belarus"

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of Chemical Weapons including Related Materials

1.

1. The Act of Republic of Belarus "on the State border of the Republic of Belarus";

2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"

2. Customs posts are equipped with fixed and mobile dosimeters.

3. Regulations "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled goods (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus of 11 May 1999.

4. Committee for State Security.

8. No provision made.

9. No provision made.

23. Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"

1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities";

2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus, of 23 August 1999, "On the regulation and organization by the State of the use of the airspace of the Republic of Belarus"

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of Nuclear Weapons including Related Materials

1.

1. Act of the Republic of Belarus "on the State border of the Republic of Belarus";

2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"

2. Customs posts are equipped with fixed and mobile dosimeters.

3. Regulations "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled goods (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus, of 11 May 1999.

4. Committee for State Security.

8. No provision made.

9. No provision made.

23. Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"

24. 1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities";

2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus of 23 August 1999 "on the regulation and organization by the State of the use of the airspace of the Republic of Belarus"

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

2. List of chemicals subject to the control regime of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Decision No. 422 of the Council of Ministers of the Republic of Belarus of 29 March 2000)

5. Joint project with IAEA to prevent the illicit movement of nuclear and radioactive materials; joint project with the United States of America, Japan, Sweden and IAEA to establish a State system for accounting for and controlling nuclear materials; joint project with the United States of America, Japan and Sweden to establish a system for the physical protection of nuclear materials; cooperation with the United States of America within the framework of the Nanna-Lugara Programme.

7. Information about the international obligations of the Republic of Belarus in the sphere of non-proliferation and disarmament reaches the general public through the mass media. It is publicized at briefings by the press secretary of the Ministry of Foreign Affairs and through the adoption of the appropriate legislative acts.

United Nations S/AC.44/2004/(02)/16/Add.1*

Security Council

Distr.: General
9 November 2005

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 30 August 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to your letter dated 15 June 2005 and to send you additional information corresponding to the national report of Belarus on the implementation of resolution 1540 (2004) (see annex).

The additional information in the matrix is marked with boldface type. The text of requested laws and regulations is also provided.**

I would be grateful if you would include the information in the report of the Committee.

(*Signed*) Andrei **Dapkiunas**
Permanent Representative

* Reissued for technical reasons.
** The text of laws and regulations is on file with the Secretariat and is available for consultation.

05-50981* (E) 111105

Annex to the letter dated 30 August 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Committee

[Original: English/Russian]

Position of the Republic of Belarus on the Proliferation Security Initiative (PSI)

The Republic of Belarus shares the objectives of the Proliferation Security Initiative and views positively the efforts of the PSI participating States aimed at preventing the proliferation of weapons of mass destruction (WMD), materials for their production, and their delivery systems.

In conformity with its national legislation, Belarus is ready to cooperate with the PSI participating States in conducting active measures to counter the proliferation of WMD and their delivery systems.

Belarus emphasizes that no steps aimed at preventing the proliferation of weapons of mass destruction and their delivery systems should undermine the confidence of the world community in the methods and mechanisms developed in the framework of existing non-proliferation regimes and appropriate international structures.

With a view to integrating the Initiative into international law, the Republic of Belarus advocates the need to carry out an in-depth and comprehensive consideration of its implementation mechanisms in the framework of the United Nations Security Council, as the only universal body with the power to adopt enforcement measures for maintaining or restoring international peace and security.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Belarus**

Date of Report: 20 October 2004

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Does not possess nuclear, chemical or biological weapons and their means of delivery	page 2 of the report
2	General statement on commitment to disarmament and non-proliferation	X	State policy in compliance with international treaties on the non-proliferation of nuclear weapons, arms reduction and disarmament and the prohibition and	page 4 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide support to non-State actors	page 2 of the report
4	Biological Weapons Convention (BWC)	X	Signed 10 April 1972, Ratified on 13 February 1975, Entered into force on 26 March 1975	page 10 of the report
5	Chemical Weapons Convention (CWC)	X	Signed 14 January 1993, Ratified on 9 February 1995, Entered into force on 29 April 1997	page 10 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Acceded on 4 February 1993, Entered into force on 22 July 1993	pages 2 and 10 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Signed 24 September 1996, Ratified on 19 April 2000	page 10 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Entered into force on 14 June 1993	page 10 of the report
9	Hague Code of Conduct (HCOC)	X	Membership since 2005	page 10 of the report
10	Geneva Protocol of 1925			
11	International Atomic Energy Agency (IAEA)	X	Membership since 1957	http://www.iaea.org/About/Policy/MemberStates
12	Nuclear Weapons Free Zone/ Protocol(s)		Not applicable	
13	Other Conventions/Treaties	X	1. Treaty on the Reduction and Limitation of Strategic Offensive Arms - Entered into force on 5 December 1994 2. Treaty on the Elimination of Medium- and Short-Range Missiles - Acceded on 9 October 1992 3. Nuclear Safety Convention - Acceded on 2 September 1998, Entered into force on 27 January 1999	page 12 of the report

S/AC.44/2004/(02)/16/Add.1

14	Other Arrangements	X	Nuclear Suppliers Group (NSG), **Membership since 2000**	page 12 of the report
15	Other	X	Proliferation Security Initiative (PSI): **shares objectives. Belarusian position on PSI is attached.**	page 13 of the report

OP 2 - Biological Weapons (BW)

State: **Belarus**

Date of Report: 20 October 2004

	Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	manufacture/produce	X		X	Criminal Code, Article 129	page 3 of the report
2	acquire	X		X	Criminal Code, Article 129	page 3 of the report
3	possess	X		X	**Criminal Code, Article 129**	
4	stockpile/store	X	**Criminal Code, Article 129**	X		
5	develop	X		X		
6	transport	X		X	Criminal Code, Article 129	page 3 of the report
7	transfer	X		X		
8	use	X	**Criminal Code, Article 134**	X	Criminal Code, Article 134	
9	participate as an accomplice in a.m. activities	X		X		
10	assist in a.m. activities	X	**Criminal Code, Article 16, para 6**	X	Criminal Code, Article 16, para 6	page 4 of the report
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	**Criminal Code, Article 129**		**Criminal Code, Article 129**	
13	involvement of non-State actors in a.m. activities	X		X	Criminal Code, Article 129	page 3 of the report

S/AC.44/2004/(02)/16/Add.1

14	Other		X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, etc: Criminal Code, Articles 129 and 294	pages 3 and 4 of the report

OP 2 - Chemical Weapons (CW)

State: **Belarus**
Date of Report: 20 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	manufacture/produce	X	Criminal Code, Article 129	X	Criminal Code, Article 129	page 3 of the report
2	acquire	X		X	Criminal Code, Article 129	page 3 of the report
3	possess	X		X	Criminal Code, Article 129	
4	stockpile/store	X		X		
5	develop	X		X	Criminal Code, Article 129	page 3 of the report
6	transport	X		X		
7	transfer	X		X		
8	use	X	Criminal Code, Article 134	X	Criminal Code, Article 134	
9	participate as an accomplice in a.m. activities	X	Criminal Code, Article 16, para 6	X	Criminal Code, Article 16, para 6	page 4 of the report
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	Criminal Code, Article 129	X	Criminal Code, Article 129	
13	involvement of non-State actors in a.m. activities	X	Criminal Code, Article 129	X	Criminal Code, Article 129	page 3 of the report

S/AC.44/2004/02/16/A/44.1

14	Other	X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, etc: Criminal Code, Articles 129 and 294	pages 3 and 4 of the report

OP 2 - Nuclear Weapons (NW)

State: **Belarus**

Date of Report: 20 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	manufacture/produce	X	Criminal Code, Article 129	X	Criminal Code, Article 129	page 3 of the report
2	acquire	X		X	Criminal Code, Article 129 and 322 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
3	possess	X		X	**Criminal Code, Article 129**	
4	stockpile/store	X		X	Criminal Code, Article 129 and 322 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
5	develop	X		X	**Criminal Code, Article 129**	
6	transport	X		X	Criminal Code, Article 129	page 3 of the report
7	transfer	X		X	Criminal Code, Article 129	page 3 of the report
8	use	X	Criminal Code, Article 134 and 322	X	Criminal Code, Article 134 and 322 322 relates to sources of ionizing radiation, radioactive substances and nuclear materials	page 3 of the report
9	participate as an accomplice in a.m. activities	X	Criminal Code, Article 16, para 6	X	Criminal Code, Article 16, para 6	page 4 of the report
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	Act on the Budgetary System of the Republic of Belarus and on Extrabudgetary Funds	X		
12	a.m. activities related to means of delivery	X	Criminal Code, Article 129	X	**Criminal Code, Article 129**	

S/AC.44/2004/(02)/84

13	Involvement of non-State actors in a.m. activities	X	[illegible]	X	Criminal Code, Article 129, 134 and 322	page 3 of the report
14	Other	X	Compliance with international treaties' prohibitions: Decree No. 94 on Certain Measures to Regulate Military and Technical Cooperation Between the Republic of Belarus and Foreign States of 11 March 2003	X	Prohibitions to sale, to steal, to threaten use: Criminal Code, Articles 129, 134, 294, 322, 323, 324	pages 3 and 4 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: Belarus

Date of Report: 20 October 2004

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	**Belarus does not produce biological weapons or related materials**	X	**Criminal Code, Civil Code**	
2	Measures to account for use	X	**Sanitary regulations 17-129 RB 2000 "Safety when working with micro-organisms in groups III-IV of pathogenicity and with helminths"**	X	**Criminal Code, Civil Code**	
3	Measures to account for storage	X	**Guideline 11-7-13-2002 "Procedure for accounting for, storing, transferring and transporting micro-organisms in groups I-IV of pathogenicity"**	X	**Criminal Code, Civil Code**	
4	Measures to account for transport	X		X		
5	Other measures for accounting	X		X		
6	Measures to secure production	X	**Belarus does not produce biological weapons or related materials.**	X	**Criminal Code, Civil Code**	pages 5 and 6 of the report
7	Measures to secure use	X	**Sanitary regulations 17-129 RB 2000 "Safety when working with micro-organisms in groups III-IV of pathogenicity and with helminths"**	X	**Criminal Code, Civil Code**	
8	Measures to secure storage	X	**Guideline 11-7-13-2002 "Procedure for accounting for, storing, transferring and transporting micro-organisms in groups I-IV of pathogenicity"**	X		
9	Measures to secure transport	X		X		
10	Other measures for securing	X		X		

S/AC.44/2004/(02)/16/Add.1

11	Regulations for physical protection of facilities/materials/ transports	X	**Sanitary regulations 14-65 "Production and quality control of medicinal immunobiological preparations"**	X	**Criminal Code, Civil Code**	
12	Licensing/registration of facilities/persons handling biological materials	X	**Decree No. 17 of the President of the Republic of Belarus, of 14 July 2003, "on the licensing of particular aspects of activity" and Decision No. 1378 of the Council of Ministers of the Republic of Belarus, of 20 October 2003**	X	**Criminal Code, Civil Code**	
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	**Not Applicable**	X	**Criminal Code, Civil Code**	page 2 of the report
15	Regulations for genetic engineering work	X	**The draft law "on the safety of genetic engineering" is being considered by the Belarusian Parliament**			
16	Other legislation/ regulations related to safety and security of biological materials					
17	Other	X	**The Act of the Republic of Belarus of 23 November 1993 "on the medical and epidemiological welfare of the population"**	X	**Criminal Code, Civil Code**	page 6 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: Belarus

Date of Report: 20 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	**Belarus does not produce chemical weapons or related materials**	X	Criminal Code, Civil Code	
2	Measures to account for use	X	**Decision No. 38 of the Council of Ministers, of 17 May 2005, "Regulation on the licensing of activities in the sphere of industrial safety"**	X	Criminal Code, Civil Code	
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting	X	**Decision No. 8/3818 of the Ministry for Emergency Situations, of 11 February 2003, "Instructions regarding the registration of facilities in the State register of hazardous production facilities"**	X	**Criminal Code, Civil Code**	
6	Measures to secure production	X	**Belarus does not produce chemical weapons or related materials**	X	**Criminal Code, Civil Code**	
7	Measures to secure use	X	**Act No. 363-3 of the Republic of Belarus, of 10 January 2000, "on the industrial safety of hazardous production facilities"; Act No. 32-3 of the Republic of Belarus, of 6 June 2001, "on the carriage of hazardous loads; Decision No. 38 of the Ministry for Emergency**	X	**Criminal Code, Civil Code**	
8	Measures to secure storage	X		X		

S/AC.44/2004/(02)/16/Add.1

9	Measures to secure transport	X	**Situations, of 8 November 2003, "Regulations governing the carriage of hazardous loads by road transport"; Decision No. 34 of the Ministry for Emergency Situations, of 20 October 2004, "Transport safety regulations governing the carriage of hazardous loads by rail transport" and Regulation No. 3370/301, of 26 December 1987, on the carriage of hazardous loads by air transport**	X	**Criminal Code, Civil Code**	
10	Other measures for securing	X	**Comprehensive, targeted and operative inspections of hazardous production facilities**			
11	Regulations for physical protection of facilities/materials/ transports	X	**Decision No. 38 of the Council of Ministers, of 17 May 2005, "Regulations for the licensing of activities in the sphere of industrial safety"**	X	**Criminal Code, Civil Code**	
12	Licensing of chemical installations/entities/use of materials	X		X		
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	**Not Applicable**	X	**Criminal Code, Civil Code**	page 2 of the report
15	National CWC authority	X	**Decision No. 344 of the Council of Ministers of the Republic of Belarus, of 27 May 1996, "on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction of 13 January 1993"**	X	**Criminal Code, Civil Code**	

16	Reporting Schedule I, II and III chemicals to OPCW	X	Submission of annual national declarations	X	**Criminal Code, Civil Code**	page 13 of the report
17	Account for, secure or physically protect old chemical weapons	X	**Belarus does not possess old chemical weapons**			
18	Other legislation/ regulations controlling chemical materials	X	**Decision No. 422 of the Council of Ministers of the Republic of Belarus, of 29 March 2000, "on the enhancement of import (export) controls of chemicals subject to the control regime of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction"**	X	**Criminal Code, Civil Code**	
19	Other			X	Security agencies analyse instances with chemicals and organize counter-intelligence	page 6 of the report

S/AC.44/2004/(02)/16/Add.1

16

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Belarus**

Date of Report: **20 October 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	Belarus does not produce nuclear weapons or related materials	X	Criminal Code, Civil Code	
2	Measures to account for use	X	Decision No. II-2 of the Department for the Supervision of Industrial and Nuclear Safety (Promatomnadzor), of 28 February 1995, "Structure of the State system of the Republic of Belarus for accounting for and controlling nuclear materials"	X	Criminal Code, Civil Code	
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting	X	Joint monthly inspections conducted by IAEA and Promatomnadzor			
6	Measures to secure production		Belarus does not produce nuclear weapons or related materials			
7	Measures to secure use	X	Basic nuclear safety regulations PBYA-06-00-88, 1998; Nuclear safety regulations governing the storage and transport of nuclear hazardous fissile materials PBYA-06-09-90; 1990; Nuclear safety regulations governing the transport of spent nuclear fuel PBYA-06-08-77, 1997	X	Criminal Code, Civil Code	page 7 of the report
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		

10	Other measures for securing	X	**Inspections conducted by Promatomnadzor**			
11	Regulations for physical protection of facilities/materials/ transports	X	Order On the Physical Protection of Nuclear Materials during their Use, Storage and Transport, 1994			page 7 of the report
12	Licensing of nuclear installations/entities/use of materials	X	**Decree No. 17 of the President of the Republic of Belarus, of 14 July 2003, "on the licensing of particular aspects of activity" and Decision No. 1357 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "Regulation on the licensing of activities in the sphere of industrial safety"**	X	**Criminal Code, Civil Code**	
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	**Not Applicable**	X	**Criminal Code, Civil Code**	page 2 of the report
15	National regulatory authority	X	Promatomnadzor			page 5 of the report
16	IAEA Safeguards Agreements	X	Safeguards Agreement entered into force in 1995			page 4 of the report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Confirmed in a letter to the Director-General of IAEA; **It is used in work. Decision No. 1537 of the Council of Ministers of the Republic of Belarus, of 4 October 1999, "on the establishment of a unified State system for accounting for and controlling sources of ionizing radiation"**	X	**Criminal Code, Civil Code**	pages 6 and 7 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	*Participates in Database Programme*			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html

S/AC.44/2004/(02)/16/Add.1

19	Other Agreements related to IAEA	X	**The Vienna Convention on Civil Liability for Nuclear Damage entered into force in the Republic of Belarus on 22 July 1993. The Convention on Nuclear Safety entered into force in the Republic of Belarus on 27 January 1999. The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management entered into force in the Republic of Belarus on 24 February 2003**			
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	**Act No. 122-3 of the Republic of Belarus, of 5 November 1998, "on the radiological security of the population" and Act No. 32-3 of the Republic of Belarus, of 6 June 2001, "on the carriage of hazardous loads"**	X	Criminal Code, Civil Code	
21	Other			X	Security agencies analyse instances with nuclear materials and organize counter-intelligence	page 6 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: Belarus

Date of Report: 20 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. The Act of the Republic of Belarus "on the State border of the Republic of Belarus"; 2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"	X	Criminal Code, Civil Code	pages 4 to 7 of the report
2	Technical support of border control measures	X	Customs posts are equipped with fixed and mobile dosimeters	X	Insufficient radiation-detection systems, improvement planned	page 8 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Regulation "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled items (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus of 11 May 1999	X	Criminal Code, Civil Code	
4	Enforcement agencies/authorities	X	Committee for State Security			

S/AC.44/2004/02/16/Add.1

5	Export control legislation in place	X	Act on Export Controls of 06 January 1998; **Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"**	X	**Criminal Code, Civil Code**	page 9 of the report
6	Licensing provisions	X	Order No 133 of the Council of Ministers of 04 February 2003, version 2004	X		page 10 of the report
7	Individual licensing	X		X		
8	General licensing	X	**No provision made**			
9	Exceptions from licensing	X	**No provision made**			
10	Licensing of deemed export/visa					
11	National licensing authority	X	State Military and Industrial Committee (executing agency)			page 10 of the report
12	Interagency review for licenses	X	Inter-departmental Commission on Military and Technical Cooperation and Export Controls of the Security Council of the Republic of Belarus (export policy body)			
13	Control lists	X	Human/animal/plant disease causing agents, genetically modified forms thereof, fragments of genetic material, equipment that can be used in production of bacteriological (biological) and toxin weapons, dual-use goods, technologies			
14	Updating of lists	X	**Decision No. 4/11 of the State Military and Industrial Committee and State Customs Committee, of 22 February 2005, "on the approval of lists of scheduled goods (work, services)"**			
15	Inclusion of technologies	X				page 10 of the report

16	Inclusion of means of delivery	X	Equipment, materials and technologies used in the production of missile weapons and other means of delivery			page 10 of the report
17	End-user controls	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X	**Criminal Code, Civil Code**	
18	Catch all clause					
19	Intangible transfers	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X	**Criminal Code, Civil Code**	
20	Transit control	X	Order No 522 of the Council of Ministers of 24 April 2002 (military cargos): authorization of transit	X		page 10 of the report
21	Trans-shipment control	X		X		
22	Re-export control	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X		
23	Control of providing funds	X	**Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"**	X	**Criminal Code, Civil Code**	page 4 of the report
24	Control of providing transport services	X	**1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities"; 2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus, of 23 August 1999, "On the regulation and organization by the State of the use of the airspace of the Republic of Belarus"**	X	**Criminal Code, Civil Code**	

S/AC.44/2004/(02)/16/Add.1

25	Control of importation	X	Order No 133 of the Council of Ministers of 04 February 2003, version 2004	X	Criminal Code, Civil Code	page 10 of the report
26	Extraterritorial applicability	X	Criminal Code, Article 6	X	Criminal Code, Article 6	
27	Other	X	Certification of entitlement for foreign trade	X	Criminal Code, Civil Code	page 10 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **Belarus**

Date of Report: 20 October 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	1. The Act of Republic of Belarus "on the State border of the Republic of Belarus"; 2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"	X	Criminal Code, Civil Code	pages 4 to 7 of the report
2	Technical support of border control measures	X	Customs posts are equipped with fixed and mobile dosimeters	X	Insufficient radiation-detection systems, improvement planned	page 8 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Regulation "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled goods (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus of 11 May 1999	X	Criminal Code, Civil Code	
4	Enforcement agencies/authorities	X	Committee for State Security			

S/AC.44/2004/(02)/16/Add.1

5	Export control legislation in place	X	1. Act on Export Controls of 06 January 1998, 2. Decision No. 422 of the Council of Ministers of the Republic of Belarus of 22 March 2000	X	Criminal Code, Civil Code	pages 5 and 9 of the report
6	Licensing provisions	X	Decision No 422 of the Council of Ministers of the Republic of Belarus of 22 March 2000	X		page 9 of the report
7	Individual licensing	X	License for each foreign-trade transaction	X		
8	General licensing	X	**No provision made**			
9	Exceptions from licensing	X	**No provision made**			
10	Licensing of deemed export/visa					
11	National licensing authority	X	1. State Military and Industrial Committee (executing agency); 2. Inter-departmental Commission on Military and Technical Cooperation and Export Controls of the Security Council of the Republic of Belarus (export policy body)			page 10 of the report
12	Interagency review for licenses	X	Inter-departmental Commission on Military and Technical Cooperation and Export Controls of the Security Council of the Republic of Belarus (export policy body)			
13	Control lists	X	1. Decision No 422 of the Council of Ministers of the Republic of Belarus of 29 March 2000: list of chemicals 2. Chemicals, equipment and technologies that are intended for peaceful use but can be used in the production of chemical weapons;			pages 5 and 10 of the report
14	Updating of lists					
15	Inclusion of technologies	X				page 10 of the report
16	Inclusion of means of delivery	X	Equipment, materials and technologies used in the production of missile weapons and other means of delivery			page 10 of the report

17	End-user controls	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X	Criminal Code, Civil Code	
18	Catch all clause					
19	Intangible transfers	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X		
20	Transit control	X	**Order No. 522 of the Council of Ministers of 24 April 2002 (military cargos)**	X	Criminal Code, Civil Code	page 10 of the report
21	Trans-shipment control	X		X		
22	Re-export control	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X		
23	Control of providing funds	X	**Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"**	X	Criminal Code, Civil Code	page 4 of the report
24	Control of providing transport services	X	**1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities"; 2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus, of 23 August 1999, "On the regulation and organization by the State of the use of the airspace of the Republic of Belarus"**	X	Criminal Code, Civil Code	
25	Control of importation	X	1. Order No 133 of the Council of Ministers of 04 February 2003, version 2004 2. Decision No. 422 of the Council of Ministers of the Republic of Belarus of 22 March 2000)	X	**Criminal Code, Civil Code**	pages 5 and 10 of the report

S/AC.44/2004/(02)/16/Add.1

26	Extraterritorial applicability	X	**Criminal Code, Article 6**	X	**Criminal Code, Article 6**		
27	Other	X	Certification of entitlement for foreign trade	X	**Criminal Code, Civil Code**	page 10 of the report	

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: **Belarus**

Date of Report: 20 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Border control	X	**1. Act of the Republic of Belarus "on the State border of the Republic of Belarus"; 2. Decree No. 94 of the President of the Republic of Belarus, of 11 March 2003, "on certain measures to regulate military and technical cooperation between the Republic of Belarus and foreign States"**	X	**Criminal Code, Civil Code**	pages 4 to 7 of the report
2	Technical support of border control measures	X	**Customs posts are equipped with fixed and mobile dosimeters**	X	Insufficient radiation-detection systems, improvement planned	page 8 of the report
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	**Regulations "on the procedure for granting legal persons of the Republic of Belarus the right to engage in foreign trading activity in connection with scheduled goods (work, services)", confirmed by Decree No. 265 of the President of the Republic of Belarus, of 11 May 1999**	X	**Criminal Code, Civil Code**	
4	Enforcement agencies/authorities	X	**Committee for State Security**			

S/AC.44/2004/(02)/16/Add.1

5	Export control legislation in place	X	1. Act on Export Controls of 06 January 1998 2. Act on the Radiological Security of the Population 3. Harmonization of import and export of radioactive (nuclear) materials with IAEA Code of Conduct is planned	X	**Criminal Code, Civil Code**	pages 5, 7 and 9 of the report
6	Licensing provisions	X	Order No 133 of the Council of Ministers of 04 February 2003, version 2004	X		page 10 of the report
7	Individual licensing	X	License for each foreign-trade transaction	X		page 10 of the report
8	General licensing	X	**No provision made**			
9	Exceptions from licensing	X	**No provision made**			
10	Licensing of deemed export/visa					
11	National licensing authority	X	State Military and Industrial Committee (executing agency)			page 10 of the report
12	Interagency review for licenses	X	Inter-departmental Commission on Military and Technical Cooperation and Export Controls of the Security Council of the Republic of Belarus (export policy body)			
13	Control lists	X	Nuclear materials, equipment, special non-nuclear materials and technologies associated technologies connected with the nuclear fuel cycle and the production of nuclear materials which can be used in the production of nuclear weapons, dual-use goods, technologies			
14	Updating of lists					
15	Inclusion of technologies	X				page 10 of the report
16	Inclusion of means of delivery	X	Equipment, materials and technologies used in the production of missile weapons and other means of delivery			page 10 of the report
17	End-user controls	X	Order No 133 of the Council of Ministers of 04 February 2003, version 2004	X	**Criminal Code, Civil Code**	

18	Catch all clause					
19	Intangible transfers	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X	**Criminal Code, Civil Code**	
20	Transit control	X	**Order No 522 of the Council of Ministers of 24 April 2002 (military cargos)**	X		page 10 of the report
21	Trans-shipment control	X		X		
22	Re-export control	X	**Order No 133 of the Council of Ministers of 04 February 2003, version 2004**	X		
23	Control of providing funds	X	**Act "on the budgetary system of the Republic of Belarus and on extrabudgetary funds"**	X	**Criminal Code, Civil Code**	page 4 of the report
24	Control of providing transport services	X	**1. Decision No. 1388 of the Council of Ministers of the Republic of Belarus, of 20 October 2003, "on the approval of the regulations for licensing the carriage of passengers and freight by road, inland waterways and sea and the regulations for licensing transport and dispatch activities"; 2. Decision No. 1308 of the Council of Ministers of the Republic of Belarus of 23 August 1999 "on the regulation and organization by the State of the use of the airspace of the Republic of Belarus"**	X	**Criminal Code, Civil Code**	
25	Control of importation	X	Order No 133 of the Council of Ministers of 04 February 2003, version 2004	X	**Criminal Code, Civil Code**	page 10 of the report
26	Extraterritorial applicability	X	**Criminal Code, Article 6**	X	**Criminal Code, Article 6**	
27	Other	X	Certification of entitlement for foreign trade	X	**Criminal Code, Civil Code**	page 10 of the report

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Belarus**

Date of Report: **20 October 2004**

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	1. Lists exist on: nuclear material/equipment/associated technologies, chemicals/equipment/associated technologies, human/animal/plant disease causing agents including genetically modified forms, equipment/materials/technologies used in the production of missile weapons, dual/use goods/technologies, products intended for military use, means for encipherment (lists are approved by State Military and Industrial Committee and of State Customs Committee and are based on the lists of international non-proliferation regimes and treaties.) 2. On Unified Export Control Procedures: Russian Federation and Republic of Belarus agreed to implement export controls on the basis of standardized lists	page 11 of the report
2	Control lists - other	X	**List of chemicals subject to the control regime of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Decision No. 422 of the Council of Ministers of the Republic of Belarus of 29 March 2000)**	page 5 of the report
3	Assistance offered	X	Republic of Belarus is willing to offer advisory assistance in establishment of rules and regulations governing export controls	page 12 of the report
4	Assistance requested	X	Radiation detection equipment	page 9 of the report
5	Assistance in place (bilateral/plurilateral/multilateral)		**Joint project with IAEA to prevent the illicit movement of nuclear and radioactive materials; joint project with the United States of America, Japan, Sweden and IAEA to establish a State system for accounting for and controlling nuclear materials: joint project with the United States of America, Japan and Sweden to establish a system for the physical protection of nuclear materials; cooperation with the United States of America within the framework of the Nanna-Lugara Programme**	
6	Information for industry	X	State Military and Industrial Committee is in permanent contact with all industrial enterprises, as all legal entities that have obtained a certificate to engage with scheduled items are recorded in the State register of the Committee	page 13 of the report
7	Information for the public	X	**Information about the international obligations of the Republic of Belarus in the sphere of non-proliferation and disarmament reaches the general public through the mass media. It is publicized at briefings by the press secretary of the Ministry of Foreign Affairs and through the adoption of the appropriate legislative acts**	